

AMENDED IN ASSEMBLY JUNE 10, 2013

AMENDED IN SENATE MARCH 6, 2013

**SENATE BILL**

**No. 29**

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**Introduced by Senator Correa**

(Coauthors: Assembly Members Fong and Lowenthal)

December 3, 2012

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An act to amend Sections 3020, 4103, *15101*, and 15372 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 29, as amended, Correa. Vote by mail ballots and election result statements.

(1) Existing law makes the vote by mail ballot available to any registered voter. Existing law requires that those vote by mail ballots be received by the elections officials from whom they were obtained or by the precinct boards before the polls close on election day in order to be counted.

Existing law authorizes certain local, special, or consolidated elections to be conducted wholly by mail, so long as specified conditions are satisfied. Existing law requires ballots cast in these vote by mail elections to be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

This bill would, notwithstanding the above provisions, provide that any vote by mail ballot is timely cast if it is received by the voter's elections official no later than 3 days after election day, and either the ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day or, if the ballot has no postmark, a postmark with no date,

or an illegible postmark, the vote by mail ballot identification envelope is signed and dated on or before election day.

Because the bill would expand the duties of local elections officials, it would impose a state-mandated local program.

(2) *Existing law permits any jurisdiction in which vote by mail ballots are cast to begin processing vote by mail ballot return envelopes 29 days prior to election, and authorizes any jurisdiction having the necessary computer capability to start processing vote by mail ballots 7 business days prior to the election.*

*This bill would instead authorize any jurisdiction having the necessary computer capability to start processing vote by mail ballots 10 business days prior to the election.*

(2)

(3) Existing law requires the elections official to prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election, except for specified elections.

This bill would instead require the elections official to submit the certified statement of the results of the election to the governing body within ~~31~~ 30 days of the election.

(3)

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3020 of the Elections Code is amended  
2 to read:

3 3020. (a) All vote by mail ballots cast under this division shall  
4 be received by the elections official from whom they were obtained  
5 or by the precinct board no later than the close of the polls on  
6 election day.

7 (b) Notwithstanding subdivision (a), any vote by mail ballot  
8 cast under this division shall be timely cast if it is received by the

1 voter's elections official no later than three days after election day  
2 and either of the following is satisfied:

3 (1) The ballot is postmarked on or before election day or is time  
4 stamped or date stamped by a bona fide private mail delivery  
5 company on or before election day.

6 (2) If the ballot has no postmark, a postmark with no date, or  
7 an illegible postmark, the vote by mail ballot identification  
8 envelope is signed and dated pursuant to Section 3011 on or before  
9 election day.

10 SEC. 2. Section 4103 of the Elections Code is amended to read:

11 4103. (a) Notwithstanding Section 3020, ballots cast under  
12 this chapter shall be returned to the elections official from whom  
13 they were obtained no later than 8 p.m. on election day.

14 (b) Notwithstanding subdivision (a), any vote by mail ballot  
15 cast under this chapter shall be timely cast if it is received by the  
16 voter's elections official no later than three days after election day  
17 and either of the following is satisfied:

18 (1) The ballot is postmarked on or before election day or is time  
19 stamped or date stamped by a bona fide private mail delivery  
20 company on or before election day.

21 (2) If the ballot has no postmark, a postmark with no date, or  
22 an illegible postmark, the vote by mail ballot identification  
23 envelope is signed and dated pursuant to Section 3011 on or before  
24 election day.

25 SEC. 3. *Section 15101 of the Elections Code is amended to*  
26 *read:*

27 15101. (a) Any jurisdiction in which vote by mail ballots are  
28 cast may begin to process vote by mail ballot return envelopes  
29 beginning 29 days before the election. Processing vote by mail  
30 ballot return envelopes may include verifying the voter's signature  
31 on the vote by mail ballot return envelope and updating voter  
32 history records.

33 (b) Any jurisdiction having the necessary computer capability  
34 may start to process vote by mail ballots on the ~~seventh~~ 10th  
35 business day prior to the election. Processing vote by mail ballots  
36 includes opening vote by mail ballot return envelopes, removing  
37 ballots, duplicating any damaged ballots, and preparing the ballots  
38 to be machine read, or machine reading them, but under no  
39 circumstances may a vote count be accessed or released until 8  
40 p.m. on the day of the election. All other jurisdictions shall start

1 to process vote by mail ballots at 5 p.m. on the day before the  
2 election.

3 (c) Results of any vote by mail ballot tabulation or count shall  
4 not be released prior to the close of the polls on the day of the  
5 election.

6 ~~SEC. 3.~~

7 *SEC. 4.* Section 15372 of the Elections Code is amended to  
8 read:

9 15372. The elections official shall prepare a certified statement  
10 of the results of the election and submit it to the governing body  
11 within ~~31~~ 30 days of the election or, in the case of school district,  
12 community college district, county board of education, or special  
13 district elections conducted on the first Tuesday after the first  
14 Monday in November of odd-numbered years, no later than the  
15 last Monday before the last Friday of that month.

16 ~~SEC. 4.~~

17 *SEC. 5.* Counties may continue to use envelopes and other  
18 official election materials that do not take into account the  
19 provisions of this act until the supply of those envelopes and other  
20 official election materials is exhausted.

21 ~~SEC. 5.~~

22 *SEC. 6.* If the Commission on State Mandates determines that  
23 this act contains costs mandated by the state, reimbursement to  
24 local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.